

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.) CRIMINAL NO. 03-10396-NG
)
KAM WAI CHUI,)
Defendant.)

**MOTION FOR LEAVE TO FILE
REVISED PROPOSED PRELIMINARY ORDER OF FORFEITURE**

The United States, by and through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves that this Court allow for the filing of the attached, revised proposed Preliminary Order of Forfeiture. In support thereof, the United States sets forth the following:

1. On October 26, 2004, the Plaintiff, the United States of America, filed a Motion for Preliminary Order of Forfeiture, along with a proposed Preliminary Order of Forfeiture, pursuant to 21 U.S.C. § 853(a) and (p), as incorporated by 18 U.S.C. § 982, and Rule 32.2 of the Federal Rules of Criminal Procedure which sought the forfeiture of any property involved in the money laundering offenses alleged in Counts Six through Nine of the Indictment, any property traceable to such property, and substitute assets, as a result of defendant Kam Wai Chui's (the "Defendant" or "Chui") conviction.

2. However, the United States inadvertently omitted the

instructions to the United States Marshals Service in the proposed Preliminary Order of Forfeiture for seizure, publication, and service of process, which describe the procedures necessary to send notice to any person known to have alleged an interest in the properties that are the subject of the Preliminary Order of Forfeiture.

3. Therefore, the United States respectfully submits a revised proposed Preliminary Order of Forfeiture, with additional paragraphs 4-8, which address these seizure and service of process issues.

WHEREFORE, the United States respectfully moves this Court to grant its Motion for Leave to File a Revised Proposed Preliminary Order of Forfeiture. A revised proposed Preliminary Order of Forfeiture is attached.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney,

/s/Kristina E. Barclay
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Date: October 28, 2004

CERTIFICATE OF SERVICE

I certify that I have served a true copy of the foregoing upon Mark W. Bennett, Esquire, 487 Adams Street, P.O. Box 509, Milton, Massachusetts 02186, and Robert L. Jubinville, Esquire, 487 Adams Street, Milton, Massachusetts 02186, as counsel for Defendant Kam Wai Chui, by first class mail, postage prepaid.

/s/Kristina E. Barclay
Kristina E. Barclay
Assistant U.S. Attorney

Date: October 28, 2004